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UNION, THE CONSTITUTION, AND THE LAWS—THE GUARDIANS OF OUR LIBERTY.

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From Alexander's Messenger.

ADVENTURE IN A STEAMBOAT.

Having been frequently invited by a maternal uncle, who had removed in early life from Lancashire, to a village on the western coast of Argyleshire, to pay him a visit, I at last got matters so far settled as to have a few months at my own disposal, which I thought could not be turned to better account than in paying my respects to my worthy relation.

As I set out with the intention of exploring as much as possible of the romantic scenery amidst which my uncle had located himself, I embarked at Black wall on board the "Duchess of Sutherland" steamboat for Inverness, intending to cross from thence to Skye, and some others of the Western Isles.

My present object is simply to narrate an adventure, which occurred to me during my southern trip; I shall not, therefore, attempt to describe the magnificent scenery of the Western Highlands. After spending a few days admiring the wild grandeur of the island of Skye, I left Jean Town by the "Maid of Morven" steamer, for Oban, a beautiful little village on the main land, near which my uncle resided. The morning was delightfully still and calm; but the valleys and lowland near the coast were shrouded in a thick veil of mist, while, probably, the sun shone in all its splendor on the towering peak of Ben-Storr, covered with eternal snow. There is something awfully grand in standing, as I have often done, on the summit of a lofty mountain in the brilliant sunshine of a summer morning, and hearing the busy hum of life ascend from the dark sea of mist spread out underneath.

As we advanced on our voyage, the mist still continued to cover the "face of the waters" so thick that, in spite of all our precautions, we ran foul of a large brig lying at anchor in the sound of Mull. All was now confusion on board, nor could the extent of our damage be ascertained, till something like order had been restored. It was then discovered that our mizzen mast and larboard quarter bulwark had been carried away, and the funnel knocked down, by which one unfortunate fellow was killed, and several others were more or less injured.

After remaining more than two hours in this helpless condition, we got matters so far righted as to be able to continue our voyage.

The impenetrable curtain of mist that had hitherto veiled surrounding objects from our view, was suddenly withdrawn, as if by the hand of an enchanter, and the bold outlines of the wild scenery of the island of Mull, on the one hand, that of the rocky coast of the "windy Marven" on the other, were reflected on the glassy surface of the water, undisturbed by a single ripple, except in the wake of our disabled ship. As we neared Aros, a small boat was descried making towards us, evidently bringing an accession of passengers, and on its nearer approach, we observed it contained, besides the rowers, a lady and gentleman—the latter dressed in the Highland costume. The boat being secured alongside, the lady was handed on board by her companion, who, however, immediately quitted her, hurrying down the side, as if wishing to escape observation, was rowed off in his little skiff, which soon diminished to a small dark speck in the distant horizon.

Our fair fellow passenger was a beautiful young girl of about eighteen years of age,—diminutive in figure—a lover would say *fairy-like*—but a perfect model of symmetry—a complexion of the most delicate hue, shaded by a profusion of dark glossy ringlets, and a pair of such bewitching eyes!—so dark and expressive, but so exquisitely soft! Her whole attention, since her arrival on board, had been directed towards the skiff, which evidently bore away a loved object—a brother, perhaps,—no—he must have been a lover: the expression of that "last, long, lingering look," directed to the tiny bark, too clearly indicated the state of her feelings—she had been separated for a time, by circumstances over which she had no control, from him who whispered into her ear the soft voice of love—who had first taught her young and guileless heart to beat with feelings of emotion in his presence, or even at the sound of his name, and with whom she hoped to be united on some future day, by the most sacred and endearing ties. Observig that the part of the vessel she occupied, probably for the sake of avoiding observation, was that which was left unprotected by the removal of the bulwark, I was proceeding to disturb her reveries with the view of warning her of the danger to which she was exposed; but just as I was in the act of addressing her, she suddenly turned round, and preceiving her perilous situation, lost her presence of mind, and fell everboard. My first impulse was to plunge in after her; but recollecting that I was but an indifferent swimmer, I threw over a long bench which had been detached from its place by the collision with the brig, and immediately followed it. All this was the work of a few seconds. On emerging from the "vasty deep" after the first plunge, I preceived my fair companion struggling in the water at no great distance. Animated by that superhuman strength with which the prospect of saving a fellow being's life sometimes inspires one, I struck out, encumbered with clothing that at another time would have sunk me, with apparant ease, and succeeded in reaching the drowning girl, just as the "world of waters" was closing over her. After much difficulty I gained the floating bench, where I was able to sustain my fair charge in comparative safety, until we were picked up by the boat sent from the vessel to our assistance.

Evern means which the limited accommodation of our ship could afford, or kindness suggest, was used to restore the "vital spark" which had been so rudely assailed in its frail tenement. Our efforts were at last successful; in the course of two hours she had sufficiently recovered to thank me in the warmest terms for the life I had saved, and begged to know the name and address of one to whom she owed a debt of eternal gratitude, I presented her with my card, bearing, as I afterwards found, my name *only*. In a few minutes or vessel was alongside the quay of Oban, and leaving it to continue its voyage to the south, I hastened to the nearest inn to disincumber myself of my wet garments.

One evening about six months after the events related above, I went to Haymarket theatre, to see that talented writer and actor, Sheridan Knowles, perform in one of his popular plays. After the performance was over, I was making the best of my way through the crowd in the lobby, when my attention was attracted by the appearence of a tall military-looking personage dressed in the highland garb. As I was admiring the fine proportions of his tall and manly figure, which his Celtic habiliments set off to the best advantage, I heard person near me utter some scurrilous national reflections, which were evidently intended for the ear of the Highlander. The words had hardly escaped his lips, when the athletic mountaineer, suddenly turning round, aimed a blow at my head, under the impression that the offensive epithet had been uttered by me. Seeing his brawny arm sweep towards me like the wing of a windmill, I had barely time to "duck," and my hat flew to the other side of the lobby. I could not but acquiesce in the justice of the summary vengeance which is offended nationality prompted him take, however I might deprecate his selection of myself as the object of it, and therefore began to remonstrate calmly with him; but he was in a towering passion—gave me the *lie*, and, handing me his card, exclaimed, "If you are a gentleman, you shall give or receive satisfaction according to circumstances." I had no alternative but to accept the proffered card, which I accordingly did, and, giving him mine in return, we parted.

On reflecting on what had passed, I could not help cursing the folly, to say the least of it, of those hotheaded mountaineers, wearing their national dress in a place it is so likely to draw forth remarks which their irascible tempers can so ill brook. I believe I was led into this train of thought by the very agreeable prospect of being shot through the head, before my adversary could be convinced of his mistake, merely because a blackguard followed the instinct of his nature in uttering abusive language. Before I was up next morning, I heard a loud voice on the stairs, asking my servant whether his master was up, and presently a loud knocking at the door of my bed chamber. I hastily arose, and on opening the door, was not a little startled to see my tall friend of the preceding evening standing before me. Doubtful of his intentions, I at first held the door partly open; but his good humored smile, and the friendly offer of his hand, soon banished all fear of violence. "Mr. B—," cried the impetuous Celt, "I beg your pardon—not for striking you—because I *then* thought you had insulted me—but for doubting your word when you calmly remonstrated with me. From what I have since learnt of you, I believe you incapable of uttering ungentlemanly language, or falsehood;—and now, if you accept my apology, I have a favor to ask—come to breakfast with me; I will introduce you to an old acquaintance of yours. Ask no questions, but say you'll come." I at once accepted the apology and the invitation, and dressing myself walked away with my new friend, glad to find that my anticipations of a hostile meeting had not been realized. After half an hour's walk we arrived at —— square, where my conductor informed me he was *quartered* at present. The door was opened by a servant in livery, and we were ushered into a handsomely-furnished apartment where the first object that met my wondering eyes was my fair steamboat companion—the beautiful girl I had been the means of saving from the "watery element" during my excursions in the Highlands.

It appeared that she had been married about three months before, to her cousin, Lieutenant Roderick M'Lean, of the —— Regiment—the same who accompanied her on board the steamboat, and to whose acquaintance I had been introduced in such an unpleasant manner on the previous night.

His wife, with whose aunt they were at present residing, had accidently seen my card, and recognizing it, eagerly asked her husband how he came by it. He at first thought, from her anxious look, that she had discovered his quarrel at the theatre; but she soon convinced him of his error, by producing another card—the counterpart of the one in his possession, except the address. This was enough—he had often heard the adventure of the steamboat, and longed to thank the preserver of his dear Emily; but from the unfortunate omission of my address, all his efforts to trace me had failed, till chance threw me in his way. M.

From the Augusta Mirror.

JOUDGE LYNCH OUTWITTED.

Some years ago, Judge Lynch claimed a broad jurisdiction, in and about the vicinity of T——, Florida. He took cognizance of all matters, and punished all offences, which were not otherwise provided for by law. No informality, or lack of proof positive, screened the culprit from the infliction of his summary mode of punishment. If any individual, by any indiscretion or impropriety of conduct, rendered himself obnoxious, Judge Lynch was sure to apply the corrective. The public constituted the Judge's jury, and just so as an individual excited the public voice against him, just so sure, he was compelled to undergo the sentence of the judge, without the benefit of clergy.

I forgot, who was the first *rail-road* man in a Florida, but I well recollect that not a few passengers were conveyed out of the corporate limits of T——, on a single *rail*, that being the punishment in ordinary cases. But I have not forgot the first time that the Judge's sentence could not be executed, and when his executive officers met with a resistance which they could not overcome.

John Rogers was given to drink, and when under the influence of the brain stealer, was, in his own estimation, the most unfortunate man living. Naturally a quiet well disposed fellow, when intoxicated he became noisy, quarrelsome and dissagreeable. On that day he had indulged to excess, and had got into numerous quarrels, in one of which he fired a horse-pistol on a small boy, who returned the compliment by peppering him with a full charge of shot, from a fowling-piece.—The distance between the parties, however, prevented any serious damage being done, and but for the great disproportion in the size and age of the antagonists the duel between John Rodgers and the race rider would have passed off without notice. It soon became a town talk, however, and as John went staggering through the streets, swearing vengeance, and exhibiting his wounds—his right arm and hand having received several of the shot—his conduct tended much to increase the excitement against him. Judge Lynch was not slow to make a decision in the case, and before dark it was currently given out that John Rodgers was to be ridden on a rail that night.

Now, of all other men, perhaps John Rodgers had the greatest aversion to "setin on a rail." He would rather have died than suffer such indignity; and immediately on receiving this intelligence he resolved that he would not be caught "sleepin bery sound." He then took another large drink, and after clearing his throat, exclaimed in a whining tone of voice:

"Ride me on a rail!—Why I'll be shot, if I'd be rid on a rail for five thousand dollars."

"Well, you'd better put out then," said the gentleman of the bar, as he set back the bottle and popped the "pie" in the drawer. "Judge Lynch has said it."

"Well now, I'm not a gwain to be served no such trick" said John, "Judge Lynch be hanged."

John sauntered out, crying and muttering to himself, "I'll blow 'em all to——, if they come a projectin' about this child."

He then stepped into a store, and purchased three pounds of powder, which he tied up in a silk pocket handkerchief. As it grew towards dark, John with his handkerchief under his arm, walked into a confectionary kept by a good old Frenchman, and purchased a few cigars, lighted one of them, and commenced smoking. Already the officers of the high court of Judge Lynch were in pursuit of him, and as he saw them gather around the door, he began to puff away at his cigar and mutter curses against "the whole infernal pack of "em."

"Yes," said he, "you come tryin' that are and you'll get waked up worse than ever you was afore—blast nation seize your picters. You jest fool with this child—that's all—and if I don't blow you to kingdom come—you see if I don't.'

The crowd which had assembled round the door, now gradually entered the room, and as they did so, John began to flourish his cigar and cry:

"Jest you tetch, now. If you lay your hands on me, I'll send you whirlin,' if this here powder's good for any thing. I don't care for myself—I'd rather be blowed through the roof of this here store than be rid on a rail—a confounded sight."

This last speech had attracted the attention of the old Frenchman, who began to look very uneasy.

"Ha, what dat you say?—blow off de roof from my house!"

"Lay hold of him," said the judge, who generally attended the execution of his sentences in person, "lay hold of him, fellows!"

"Stand off! stand off!" exclaimed John, at the top of his voice, as he held the powder in one hand and the cigar in the other.

"Do you see this 'ere cigar, and this 'ere powder? jest you lay hands on me, and I'll teteh 'em off. If I don't now, dad burn me.''

"Mon Dieu! Mon Dieu!" exclaimed the old Frenchman. "Go out of my house, sair—begone with your poodre and cigar—what le diable?—will you blow up my property?"

"Well let 'em let me alone then. I'll blow all hands up, and myself too, before I'll be *rid on a rail.*

"Gather him up, gentlemen," said the judge, "the sentence of the law must be executed.

The crowd, which had now increased in number, gradually drew round the besieged Rogers, and the rail was seen entering the door.

"Here goes then!" exclaimed Rogers, drawing the cigar from his mouth, and applying it close to the hankerchief.—There was a sudden rush to the door, and a confusion of voices crying out, "stop! stop!"—"Don't! don't!—above all of which might be heard the old Frenchman crying out, "Murder! murder!"

"Well," said Rogers, as the crowd dispersed, "I'd just as lieve be killed, as rid on a rail."

"I tell you one, two, several times, to be gone vid your poodre magazine, and your cigar. Will you leave my house, sare?"

But Rogers could neither be persaded nor driven from his position against the wall, until the old man had prevailed upon the Lynch party to withdraw to some distance from his door. He then left the house much to the relief of the old Frenchman: but ever as the crowd approached, he would prepare to apply the match. At one time they approached with more than usual determination, and when they had got quite near, one was heard to say—"bring the rail!"

"You try it," said John; "and if you don't get into a honet's nest, it'll be because fire won't burn powder, now mind."

The circle began cautiously to close around him, but as John knocked the ashes from his cigar, at the same time producing a few sparks preparatory to touching it to the powder, he was again suddenly left alone. The individual who had worried himself considerably, by carrying the rail, in his sudden retreat, dashed it to the ground, and exclaiming, "*Non comatible in statue combustibus!*" abandoned the attempt. The rest of the posse soon imitated his example, leaving Rogers triumphant.

Thus Judge Lynch, for the first time, witnessed the utmost contempt of his authority, and the most determined defiance of his power.

The following morning found John Rogers a better man, and from that time forth he was never seen within the jurisdiction of Judge Lynch, of T——, Florida.

A Sailor's Vtracity—A sailor one evening, was stopped by a footpad, who demanded his money, when a scuffle ensued; the tar took the robber, and bore away his prize to a justice. When the magistrate came to enquire into the nature of the assault, he told the sailor that he must swear that the robber had put him in bodily fear, otherwise he could not commit him. The sailor looking steadfastly at the justice, answered, "He? he put me in bodily fear? No, nor any man that ever lived, therefore, if that is the case, you may let him go, for I'll not swear to such a lie."

The Lonely Cottager.—A pious cottager, residing in the centre of a long and dreary heath, being asked by a Christian visiter: "Are you not some times afraid in your lonely situation, especially in winter?" he replied, "Oh no, sir, for faith shuts the door at night and mercy opens it in the morning."

Beauties of Litigation.—The Supreme Judicial Court at Northampton last week was occupied several days in the trial of a case concerning a title to land, which had been in litigation two or three years. The value of the land in dispute was only about $30. After running up a bill of cost amounting to six or eight hundred dollars, the parties went home, perfectly satisfied of the "glorious uncertainty of the law." *New Bedford Mercury.*

Committee on One.—It is proposed in a Boston paper that every man should constitute himself into a self-examining committee, to inquire into his own conduct. It is believed that the business each committee would have to transact, would keep it constantly and usefully employed.

From the Presbyterian.

PRESBYTERIN CHURCH CASE.

OPINION OF THE COURT.

Gibson, C. J. delivered the opinion of the Court, on Wednesday morning, May 8th, as follows:

To extricate the question from the multifarious mass of irrelevant matter in which it is enclosed, we must, in the first place, ascertain the specific character of the General Assembly, and the relation it bears to the corporation which is the immediate subject of our cognizance.—This Assembly has been called a *quasi* corporation; of which it has not a feature. A *quasi* corporation has capacity to sue and be sued as an artificial person—which the Assembly has not. It is also established by law; which the Assembly is not. Neither is the Assembly a particular order or rank in the corporation, though the latter was created for its convenience; such, for instance, as the share-holders of a bank or joint-stock company, who are an integrant part of the body. It is a segregated association which, though it is the reproductive organ of corporate succession, is not itself a member of the body; and in that respect it is anomalous. Having no corporate quality in itself, it is not a subject of our corrective jurisdiction, or of our scrutiny, further than to ascertain how far its organic structure may bear on the question of its personal identity or individuality. By the charter of the corporation, of which it is the handmaid and nurse, it has a limited capacity to create vacancies in it, and an unlimited power over the form and manner of a choice in filling them. It would be sufficient for the civil tribunals, therefore, that the assembled commissioners had constitued an actual body; and that it had made its appointment in its own way, without regard to its fairness in respect to its members; with this limitation, however, that it had the assent of the constitutional majority, of which the official act of authentication would be, at least, *prima facie* evidence. It would be immaterial to the legality of the choice that the majority had expelled the minority, provided a majority of the whole body concurred in the choice. This may be safely predicated of an undivided Assembly, and it would be an unerring test in the case of a division could a quorum not be constituted of less than such a majority; but unfortunately, a quorum of the General Assembly may be constituted of a very small minority, so that two, or even more, distinct parts may have all the external organs of legitimate existence.—Hence, where, as in this instance, the members have formed themselves into separate bodies, numerically sufficient for corporate capacity and organic action, it becomes necessary to ascertain how far either of them was formed in obedience to the conventional law of the association, which, for that purpose only, is to be treated as a rule of civil obligation.

The division which, for purposes of designation, it is convenient to call the Old-school party, was certainly organized in obedience to the established order: and, to legitimate the separate organization of its rival, in contravention, as it certainly was of every thing like precedent, would require the presentation of a very urgent emergency. At the stated time and place for the opening of the session, the parties assembled, without any ostensible division; and, when the organization of the whole had proceeded to a certain point, by the instrumentality of the Moderator of the preceding session, who, for that purpose, was the constitutional organ, a provisional Moderator was suddenly chosen, by a minority of those who could be entitled to vote, including the exscinded commissioners. The question on the motion to elect, was put, not by the chair, but by the mover himself; after which, the seceding party elected a permanent Moderator, and immediately withdrew, leaving the other party to finish its process of organization, by the choice of its Moderator for the session.

In justification of this apparent irregularity, it is urged that the constitutional Moderator had refused an appeal to the commissioners in attendance, from his decision, which had excluded from the roll, the names of certain commissioners who had been unconstitutionally severed, as is alleged, from the Presbyterian connexion by a vote of the preceding session. It is conceded by the argument, that if the Synods with the dependent Presbyteries by which those commissioners were sent, had been constitutionally dissolved, the motion was one which the Moderator was not bound to put, or the commissioners to notice; and that whatever implication of assent to the decision which ensued, might otherwise be deduced from the silence of those who refused to speak out, about which it will be necessary to say something in the sequel; there was no room for any such implication in the particular instance. It would follow also, that there was no pretence for the deposal of the Moderator, if indeed such a thing could be legitimated by any circumstances, for refusing an appeal from his exclusion of those who had not color of title, and, consequently, that what else might be reform, would be revolution. And this leads to an inquiry into the constitutionality of the act of excision.

The sentence of excision, as it has been called, was nothing else than an ordinance of dissolution. It bore that the Synods in question, having been formed and attached to the body of the Presbyterian Church under, and in execution of, the plan of union "be, and are hereby declared to be, out of the ecclesiastical connexion of the Presbyterian Church in the United States of America; and that they are not in form or in fact, an integral portion of said church." Now it will not be said that if the dissolved Synods had no other basis than the plan of union, they did not necessarily fall along with it, and it is not pretended that the Assembly was incompetent to repeal the union prospectively, but it is contended that the repeal could not impair rights of membership which had grown up under it. On the other hand, it is contended that the plan of union was unconstitutional and void from the beginning, because it was not submitted to the presbyteries for their sanction; and that no right of membership could spring from it. But viewed, not as a constitutional regulation which implies permanency of duration, but as a temporary expedient, it acquired the force of a law without the ratification of those bodies. It was evidently not intended to be permanent, and it consequently was constitutionally enacted and constitutionally repealed by an ordinary act of legislation; and those Synods which had their root in it, could not be expected to survive it. There never was a design to attempt an amalgamation of ecclesiastical principles which are as immiscible as water and oil; much less to effect a commixture of them only at particular geographical points. Such an attempt would have compromised a principle at the very root of Presbyterial government, which requires that the officers of the church be set apart by special ordination for the work. Now the character of the plan is palpable not only in its title and provisions, but in the minute of its introduction into the Assembly. We find in the proceedings of 1801, page 256, that a committee was raised "to consider and digest a plan of government for the churches in the *new settlements* agreeably to the proposal of the General Association of Connecticut;" and that the plan adopted in conformity to its report, is called "a Plan of Union for the new settlements." The avowed object of it was to prevent alienation—in other words, the affiliation of Presbyterians in other churches, by suffering those who were yet too few and too poor for the maintainance of a minister, temporarily to call to their assistance the members of a sect who differed from them in principles, not of faith, but of ecclesiastical government. To that end, Presbyterian ministers were suffered to preach to Congregational churches, while Presbyterian churches were suffered to settle Congregational ministers; and mixed congregations were allowed to settle a Presbyterian or a Congregational minister at their election, but under a plan of government and discipline adapted to the circumstances.—Surely this was not intended to outlast the inability of the respective sects to provide separately for themselves, or to perpetuate the innovations on Presbyterial government which it was calculated to produce. It was obviously a missionary arrangement from the first: and they who built up Presbyteries and Synods on the basis of it, had no reason to expect that their structures would survive it, or that Congregationalists might, by force of it, gain a foothold in the Presbyterian Church, despite of Presbyterial discipline. They embraced it with all its defeasible properties plainly put before them; and the power which constituted it might fairly repeal it, and dissolve the bodies that had grown out of it, whenever the good of the Church should seem to require it.

Could the Synods however be dissolved by a legislative act? I know not how they could have been legitimately dissolved by any other! The Assembly is a homogenous body uniting in itself, without separation of parts, the legislative, executive, and judicial functions of the government; and its acts are referable to the one or the other of them, according to the capacity in which it sat when they were performed. Now had the exscinded Synods been cut off by a judicial sentence without hearing or notice, the act would have been contrary to the cardinal principles of natural justice, and consequently void. But though it was at first resolved to proceed judicially, the measure was abandoned, probably because it came to be perceived that the Synods had committed no offence.

A glance at the plan of union is enough to convince us that the disorder had come in with the sanction of the Assembly itself. The first article directed *missionaries* (the word is significant,) to the new settlements to promote a good understanding betwixt the kindred sects. The second and third permitted a Pres-

byterian congregation to settle a Congregational minister, or a Presbyterian minister to be settled by a Congregational church; but these provided for no recognition of the people in charge as a part of the Presbyterian body—at least they gave them no representation in its government. But the fourth allowed a mixed congregation to settle a minister of either denomination; and it committed the government of it to a standing committee, but with a right to appeal to the body of male communicants if the appellant were a Congregationalist, or to the Presbytery if he were a Presbyterian. Now, it is evident, the Assembly designed that every such congregation should belong to the Presbytery as an integrant part of it; for if its minister were a Congregationalist, in no way connected with the Presbyterian church, it would be impossible to refer the appellate jurisdiction to any Presbytery in particular. This alone would show that it was designed to place such a congregation in ecclesiastical connexion with the Presbytery of the district; but it is not all. It was expressly provided in conclusion, that if the "said standing committee of any church, shall depute one of themselves to attend the Presbytery, he may have the same right to sit and act in the Presbytery as a ruling elder of the Presbyterian Church." For what purpose if the congregation were not in Presbyterial fellowship?

It is said that this *jus representationis* was predicated of the appeal precedently mentioned; and that the exercise of it was to be restrained to the trial of it.—The words, however, were predicated without restriction; and an implied limitation of their meaning, would impute to the Assembly the injustice of allowing a party to sit in his own cause, by introducing into the composition of the appellate court, a part of the subordinate one. That such an implication would be inconsistent with the temper displayed by the Assembly on other occasions, is proved by the order which it took as early as 1791, in the case of an appeal from the sentence of the Synod of Philadelphia, whose members it prevented from voting on the question, (Assembly's Digest, p. 332.) as well as by its general provision, that "members of a judicatory may not vote in the superior judicatory on a question of approving or disapproving their records. (Id. page 333.)

The principle has since become a rule of the constitution, as appears by the Book of Discipline, chap. VII. sec. 3, paragraph 12. As the representatives of those anomalous congregations therefore could not sit in judgment on their own controversies, it is pretty clear that it was intended they should be represented generally, else they would not be represented at all in the councils of the church, by those who might not be Presbyterians; and that to effect it, the principle of Presbyterial ordination was to be relaxed, as regards both the ministry and eldership; and it is equally clear that had the Synods been cited to answer for the consequent relaxation as an offence, they might have triumphantly appeared at the bar of the Assembly with the Plan of Union in their hand. That body, however, resorted to the only constitutional remedy in its power: it fell back, so to speak, on its legislative jurisdiction, in the exercise of which, the Synods were competently represented and heard by their commissioners.

Now the apparent injustice of the measure arises from the contemplation of it as a judicial sentence pronounced against parties who were neither cited nor heard—which it evidently was not. Even as a legislative act, it may have been a hard one, though certainly constitutional, and strictly just. It was impossible to eradicate the disorder by any thing less than a dissolution of those bodies with whose existence its roots were so interwoven as to be inseparable from it, leaving their elements to form new and less heterogeneous combinations. Tho' deprived of Presbyterial organization, the Presbyterian parts were not excluded from the church, provision being made for them, by allowing them to attach themselves to the nearest Presbytery.

It is said there is not sufficient evidence to establish the fact that the excinded Synods had actually been constituted on the Plan of Union, in order to have given the Assembly even legislative jurisdiction. The testimony of the Rev. Mr. Squier, however, shows that in some of the three which were within the state of New York, congregations were sometimes constitutd without elders; and the Synod of the Western Reserve, when charged with delinquency on that head, instead of denying the fact, promptly pointed to the Plan of Union for its justification. But what matters it whether the fact were actually what the Assembly supposed it to be? If that body proceeded in good faith, the validity of its enactment cannot depend on the justness of its conclusion. We have, as already remarked, no authority to rejudge its judgments on their merits; and this principle was asserted with conclusive force by the presiding judge who tried the cause. Upon an objection made to an inquiry into the composition of the Presbytery of Medina, it was ruled that "with the reasons for the proceedings of 1837, (the act of excision,) we have nothing to do. We are to determine only what was done: the reasons of those who did it are immaterial. If the acts complained of were within the jurisdiction of the Assembly, their decision must be final, though they decided wrong." This was predicated of judicial jurisdiction, but the principle is necessarily as applicable to jurisdiction for purposes of legislation. I cite the passage, however, to show that after a successful resistance to the introduction of evidence of the fact, it lies not with the relators to allege the want of it.

If, then, the Synods in question were constitutionally dissolved, the presbyteries of which they had been composed, were, at least for purposes of representation, dissolved along with them: for no Presbytery can be in connection with the General Assembly, unless it be at the same time subordinate to a Synod also in connexion with it, because an appeal from its judgment can reach the tribunal of the last resort only through that channel. It is immaterial that the Presbyteries are the electors: a Synod is a part of the machinery which is indispensible to the existence of every branch of the church. It appears, therefore, that the commissioners from the excinded Synods, were not entitled to seats in the Assembly, and that their names were properly excluded from the roll.

The inquiry might be rested here; for if there were no color of right in them, there was no color of right in the adversary proceedings which were founded on their exclusion. But even if their title were clear, the refusal of an appeal from the decision of the Moderator, would be no ground for the degradation of the officer at the call of the minority; nor could it impose on the majority an obligation to vote on a question put unofficially, and out of the usual course. To all questions put by the established organ, it is the duty of every member to respond, or be counted with the greater number, because he is supposed to have assented beforehand to the result of the process pre-established to ascertain the general will; but the rule of implied assent is certainly inapplicable to a measure which, when justifiable even by extreme necessity, is essentially revolutionary, and based on no pre-established process of ascertainment whatever.

To apply it to an extreme case of inorganic action, as was done here, might work the degradation of any presiding officer in our legislative halls, by the motion and actual vote of a single member, sustained by the constructive votes of all the rest; and though such an enterprise may never be attempted, it shows the danger of resorting to a conventional rule, when the body is to be resolved into its original elements, and its rules and conventions to be superseded by the very motion. For this reason, the choice of a Moderator to supplant the officer in the chair, even if he were removable at the pleasure of the commissioners, would seem to have been unconstitutional.

But he was not removable by them, because he had not derived his office from them; nor was he answerable to them for the use of his power. He was not *their* Moderator! He was the mechanical instrument of their organization; and till that was accomplished, they were subject to his rule—not he to theirs. They were chosen by the authority of his mandate, and with the power of self-organization, only in the event of his absence at the opening of the session. Corporeally present but refusing to perform his function, he might be deemed constructively absent for constitutional purposes, insomuch that the commissioners might proceed to the choice of a substitute without him; but not if he had entered on the performance of his task; and the reason is that the decision of such questions as were prematurely pressed here, is proper for the decision of the body when prepared for organic action, which it cannot be before it is fully constituted and under the presidency of its own Moderator, the Moderator of the preceding session being *functus officio*. There can be no occasion for its action sooner; for though the commissioners are necessarily called upon to vote for the Moderator, their action is not organic, but individual. Dr. Mason's motion and appeal, though the clerks had reported the roll, were premature; for though it is declared in the XII chapter of the Form of Government, that no commissioner shall deliberate or vote before his name shall have been enrolled, it follows not that the capacity, consummated by enrollment, was expected to be exercised during any part of the process of organization, but the choice of a Moderator; and, moreover, the provision may have been intended for the case of a commissioner appearing for the first time, when the house was constituted.

Many instances may doubtless be found among the minutes, of motions entertained previously; for our public bodies, whether legislative or judicial, secular or ecclesiastical, are too prone to forget the golden precept—"Let all things be done decently and in order." But these are merely instances of irregularity which have passed, *sub silentio*, and which cannot change a rule of positive enactment. It seems then that an appeal from the decision of the Moderator did not lie; and that he incurred no penalty by the disallowance of it. The title of the excinded commissioners, could be determined only by the action of the house, which could not be had before its organization were complete; and in the mean time he was bound, as the executive instrument of the preceding Assembly, to put its ordinance into execution: for to the actual Assembly, and not to the Moderator of the preceding one, it belonged to repeal it.

It would be decisive, however, that the motion, as it was proposed, purported not to be in fact a question of degredation for the disallowance of an appeal, but one of new and independent organization. It was, ostensibly, as well as actually, a measure of transcendental power, whose purpose was to treat the ordinance of the preceding Assembly as a nullity, and its Moderator as a nonentity. It had been prepared for the event avowedly before the meeting. The witnesses concur that it was propounded as a measure of original organization transcending the customary order, and not as a recourse to the *ultima ratio* for a specific violation of it. The ground of the motion as it was opened by the mover, was not the disallowance of an appeal, which alone could afford a pretext of forfeiture, but the fact of exclusion. To affect silent members with an implication of assent, however, the ground of the motion and nature of the question must be so explicitly put before them as to prevent misconception or mistake; and the remark that heralded the question in this instance, pointed at, not a removal of the presiding incumbent, but a separate organization to be accomplished with the least practicable interruption of the business in hand; and if they indicated any thing else, they were deceptive. The measure was proposed not as that of the body, but as the measure of a party; and the cause assigned for not having proposed it elsewhere, was that individuals of the party had been instructed by counsel that the purpose of it could not be legally accomplished in any other place. No witness speaks of a motion to degrade; and the rapidity of the process by which the choice of a substitute, not a successor, was affected, left no space for reflection or debate. Now before the passive commissioners could be affected by acquiescence implied from their silence, it ought to have appeared that they were apprized of what was going on; but it appears that even an attentive ear-witness was unable to understand what was done. The whole scene was one of unprecedented haste, insomuch that it is still a matter of doubt how the questions were put. Now, though these facts were fairly put to the jury, it is impossible not to see, that the verdict is, in this respect, manifestly against the current of the evidence.

Other corroborative views have been suggested; but it is difficult to compress a decision of the leading points in this case into the old fashioned limits of a judicial opinion. The preceding observations, however, are deemed enough to show the grounds on which we hold that the Assembly which met in the First Presbyterian Church was not the legitimate successor of the Assembly of 1837; and that the defendants are not guilty of the usurpation with which they are charged.

Rule for a new trial made absolute.

Rogers, J.

After the patient and impartial investigation, by me, of this cause, at Nisi Prius, and in bank, I have nothing at this time too add, except that my opinion remains unchanged on all the points ruled at the trial. This explanation is deemed requisite, in justice to myself, and because it has become necessary (in a case, in some respects, without precedent, and presenting some extraordinary features) to prevent misapprehension, and misrepresentation.

From the Globe, May. 10.

SPECIAL MISSION TO ENGLAND.

The President has determined not to send a special minister to England at present, and we are permitted to publish the following extracts from the correspondence between Lord Palmerston and Mr. Stephenson as explanatory of the views of the two Governments upon the subject:

Mr. Stephenson to Lord Palmerston.

Lord Palmerston has probably already been apprized that among the proceedings of the Congress of the United States at the close of its late session, provison was made for a special mission to Great Britain, in relation to the subject of this controversy, should it in the opinion of the President, be deemed advisable to appoint one. In virtue of this provision, the undersigned has now the honor of acquainting his Lordship that the President of the United States (desirous of conforming to the indicated wishes of Congress) has directed him to announce to her Majesty's Government his willingness to institute such a mission, and change the place of negotiation, which had heretofore been agreed on, from Washington to London: provided it should be agreeable to her Majesty's Government to do so, and would, in their opinion, be the means of hastening or facilitating the final adjustment of the controversy.

In submitting this proposition of the President, which he has now the honor of doing, the undersigned flatters himself that Lord Palmerston will not fail to appreciate the motives which have influenced the President in making it, and see in it not only an additional proof of his desire to terminate amicably this protracted and painful controversy, but the earnest solicitude which he feels to place the relations of the two countries beyond the reach of those casualties by which, in the present state of things, they are so liable to be injured.

To this proposition the undersigned has been directed respectfully to urge the early consideration of her Majesty's Government.

The importance and urgency of bringing to a speedy close the pending negotiation, and the existing embarrassments in which the two countries are now placed will, the undersigned persuades himself, sufficiently explain the earnestness with which he has pressed the subject upon the consideration of Lord Palmerston; and in closing this note, he can but indulge the confident hope that the final determination of her Majesty's Government will not only correspond with the just expectations which are entertained by his own Government, but that it will be the means of leading to such an adjustment of the whole controversy as may be compatible with the just rights and honor of the two countries, and the peaceful and friendly relations, upon the preservation of which so essentially depend the prosperity and happiness of both.

A. STEPHENSON.

23 Portland Place, March 30, 1839.

Lord Palmerston to Mr. Stephenson.

Her Majesty's Government consider the communication which Mr. Stephenson has been instructed to make to the undersigned upon the subject of the proposed mission of a special envoy to England as a fresh proof of the friendly disposition of the President, and of the frankness which it is hoped will always characterize the intercourse between the two Governments; and her Majesty's Government hasten to reply to that communication in the same spirit and with the same frankness. The President is desirous of knowing whether such a mission would be agreeable to her Majesty's Government, and whether it would, in their opinion, be the means of hastening or facilitating the final adjustment of the controversy. That it would always be agreeable to her Majesty's Government to receive any person enjoying the confidence of the President, and sent hither to treat of matters affecting the interests of both countries, the undersigned is persuaded that the Government of the United States cannot possibly doubt; but her Majesty's Government do not see that in the present state of the negotiation such a mission could be likely to hasten or facilitate the adjustment of the controversy. It was the wish of the British Government in 1831, when the award of the King of the Netherlands was given, that any further negotiation which might be necessary upon this subject should be carried on in London. But the Government of the United States expressed a strong desire that the seat of negotiation should be in Washington, and the British Government acquiesced in that arrangement.

Now, the question at present to be considered is, whether any advantage would arise from transferring the negotiation to London.

Undoubtedly if the state of the negotiation were such that the two Governments were at liberty to arrive at a final immediate settlement of the controversy, by a conventional division of the territory in dispute, her Majesty's Government would be of opinion that advantage might arise from the mission proposed to be sent to this country by the Government of the United States. But Maine having refused to agree to a conventional line, and another reference to arbitration being in the present state of the matter out of the question, the only course left open for the two Governments, with a view to arrive at a solution of the controversy, is to cause a fresh survey of the territory to be made, for the purpose of endeavoring to trace upon the ground itself the line of the treaty of 1783; and the undersigned is sending to Mr. Fox, for the consideration of the President, a draught of a convention for the purpose of regulating the proceedings of the commissioners to be appointed by the two Governments for this end; and her Majesty's Government hope that the report of these commissioners will either settle the question at issue, or furnish to the two Governments such information as may lead directly to a settlement. But this being the present state of the matter, it appears to her Majesty's Government that a special envoy now sent from America would not, upon his arrival in this country, find any thing to discuss or to settle in connexion with this question, the discussion or settlement of which could be of importance commensurate with the expectations which such a mission would naturally excite on both sides of the Atlantic; and that if, in consequence thereof, the envoy so sent were to return to the United States before the two Governments had finally settled the whole question, a disappointment might thereby be created, which, however unfounded it would be, might, nevertheless, produce bad effects in both countries.

Her Majesty's Government having thus stated, without reserve, their impression upon the matter, leave the decision of it to the President; and the undersigned has only further to assure Mr. Stephenson that her Majesty's Government are very sensible to the spirit of friendly confidence which has dictated Mr. Stephenson's communication.

PALMERSTON.

Foreign Office, April 3, 1839.

Bonnets and Shoes.

THE subscribers have just received an additional supply of Bonnets and Shoes, which, with their former stock, *comprises a General Assortment*

PARKER & NELSON.

May 14. 70--

Mail Arrangement.

ALL letters intended to go by either of the stages, should be lodged in the Post Office before six o'clock, P. M.

THOMAS CLANCY, *P. M.*

April 26. 67--

Last Notice!

ALL persons indebted to the Firm of LATIMER & MEBANE, or JAMES MEBANE, Jr., who do not close their accounts by Note or Cash by the first day of June, will find their accounts placed in the hands of an officer; as it is necessary for the firm to be closed.

JAMES MEBANE, Jr.

May 9. 69--11J

Negro Boy for Sale.

WILL be sold, at public sale, on Tuesday of May Court, before the Court House in Hillsborough, on a credit of four months, a Likely Young Negro Boy, about thirteen years of age. Bond and good security will be required.

JOHN RONEY.

May 8. 69--3wp

HILLSBOROUGH.

Thursday, May 23.

We can hardly find terms of commendation sufficiently strong to manifest our pleasure at the spirit which seems to actuate our Whig friends on the subject of the ensuing Congressional election in this district. The subject is regarded in that important light which it demands. Not as a personal contest with the late representative—but as a contest involving great political principles, upon the result of which depends, in a great measure, the permanency of our institutions, and the security of our rights. The question is not simply, whether Dr. Montgomery, or some other person shall be the representative of the district; but the result will be taken, here and abroad, as an approval or disapproval of the leading measures of the General Government. Herein consists the importance; and if success shall attend us here, the friends of the constitution and the people will have renewed energy to continue the war against the sub-Treasury, and all the other evils which have so long marred the prosperity of the country.

WHIG MEETING AT RED MOUNTAIN.

A large and respectable portion of the Whigs of this county, assembled at Red Mountain on the 11th inst., to consider of the expediency of sending delegates to the Whig Convention, to be held in Hillsborough on the 31st inst., to nominate a Republican Whig candidate for this congressional district, in opposition to the late member, the Hon. Wm. Montgomery.

On motion of H. Parker, esq., John R. Hall, esq., was called to the chair, and George W. Jones was chosen secretary. The meeting being organized, H. Parker, esq., in a brief, but energetic, address, explained the objects of the assemblage, and descanted upon the importance and advantage of activity, zeal, and unanimity, in the Whig ranks. The meeting agreed, unanimously, to appoint delegates, and voted that the chair should announce a committee to embody their proceedings: The following committee, to wit, G. W. Jones, H. Parker, esq., Capt. Isaac Laws, and Capt. H. Parrish, were appointed; who, after consultation, made a report which, after being amended, was unanimously adopted in the following form, to wit:

Your committee have had neither the time nor the necessary documents to prepare a full report, and therefore confine themselves to a few of those plain and obvious reasons, which, in their opinion, ought to be decisive against the re-election of Dr. Montgomery.

THE PUBLIC LANDS.

The great questions connected with the public lands, are of the first magnitude to North Carolina. None others are or can be of such importance, except such as tend to destroy liberty, or to sap the foundation, or undermine the purity, of the government. Dr. Montgomery *professes* to be with us on that subject, but he *acts* against us. It is true, that he votes with us, but he exerts all his faculties and influence to *uphold* those who are striving against us, who boldly avow their policy to be, to deprive the old states of a fair distribution of the proceeds of said lands. The Doctor gives us his vote, (*that* he feels obliged to do, to keep his seat in Congress,) but he gives to our enemy all his *influence*, (and *that* he feels obliged to do, to keep the favor and smiles of the President.) The Doctor well knows that the President is pledged against dividing the proceeds of the public lands among the old states; he knows that it never can be done while Mr. Van Buren is the President; and yet the Doctor is striving, with all his might, to keep Mr. Van Buren in office.

Disguise and twist it as you will, one of two things is certainly true: either the Doctor is *at heart* opposed to the distribution, or his partizan devotion to the men in power, is stronger than his attachment to his state and district, in this respect.

The avowed policy of the administration is to grant the public lands in preemption titles to squatters; to reduce their price; and finally, to give them up to the states in which they lie. This course will deprive the old states of their respective shares of eight hundred, or perhaps a thousand millions of acres.—The share of our good old state, would make her blossom as a rose; it would carry the lights of science into the humblest log cabin, as well as into the dwelling of the affluent. Mr. Van Buren is decidedly opposed to our reaping these great benefits; Doctor Montgomery is clamorous for them, *but he is* MUCH MORE *clamorous in the support of Mr. Van Buren*, who has carried out a part of this hostile policy, and is striving to carry out the WHOLE of it. This "running with the hare and holding with the hound"—this "looking one way and rowing another"—this giving of "aid and comfort" to our enemies—demand our most decided censure, and compel us to believe that however useful the Doctor may be to men in office, he is not likely to be useful to this state, or this district, on the subject of the public lands.

EXTRAVAGANCE AND WASTE OF PUBLIC MONEY.

The Doctor *professes* to be in favor of cheap government and strict economy; his *practice* shows that he favors the most alarming extravagance!—In the four years of J. Q. Adams's administration, the government expended fifty millions and a half of dollars. We all denounced Adams's administration as extravagant. Few were louder or more earnest in denouncing the extravagance and corruption of Adams' administration, than Doctor Montgomery: How stands the case now? In the last four years, the government has appropriated upwards of *one hundred and forty four millions of dollars!!* And what says the Doctor? Why, he says, "I go to save the people's money;" "I never gave a vote for extravagance in my life;" "this is a genuine republican administration, and every true republican ought to support it;" "it is the federal whigs who vote away the people's money." All this we regard as plain imposture. It is meant to deceive and mislead the people. The true and sensible rule is, that every party in power must be held responsible for the acts of the party in power; and the President, as head of it, must be held to a rigid accountability. This rule is likewise *just*: 1st, because every public man *knows* that the President can, and does, control his party *almost* as he pleases. The fact is humiliating, but every man of experience *knows* it to be true. 2nd, If a case shall happen, (as it rarely does) in which he cannot control his party by *influence*, he can control it by his *Veto*. Where is Mr. Van Buren's veto against this expenditure of nearly forty millions of dollars a year, when fifteen or twenty millions, *at the very highest*, is more than enough? No where! And yet the Doctor contends that the President and his administration *ought not* to be held responsible for this extravagance. In J. Q. Adams's time, the Doctor and a large majority of this state, contended exactly the reverse. In the elder Adams's time, the whole republican party contended that *he* should be held responsible for the Alien and Sedition laws; and actually drove him from power, by the election of Mr. Jefferson. So it has been at all times, in this country. God forbid that the time shall come, when the head of a party shall not be held responsible for the misdeeds of himself and his party. When that time shall come, we shall stand on worse ground than the people of England. It is true, that one of their maxims is, "that the King can do no wrong," but they hold the ministers and advisers of the Crown to a rigid account. *Here*, the Doctor would have us to hold the federal Whigs to account, who have been constantly in the minority—without power to control, or liberty to advise. This flimsy pretext, can deceive no one. The administration may continue to spend forty (or more) millions of dollars a year, and yet the Doctor will probably cling to it as a leach to the side of a whale—tho' we would hope not for the same reason—to fatten on his blood, and be borne along without trouble or effort, by the monarch of the deep.

THE SUB-TREASURY.

This a great and fearful subject. It has been rejected three times, by the people and people's representatives. Yet the President and his friends continue to urge it; they have staked their political fortunes on the cast of this die; and, in our hearts we believe, the liberty and happiness of the people depend upon the throw. We shall see whether the President and his partizans can dragoon the people into submission; or, whether they will have the steadiness to to resist these repeated and unrepublican assaults upon the public will. This sub-treasury would in effect, create two currencies, one good, the other depreciated. The gold and silver for the government and office holders; the depreciated bank paper for the people. We say depreciated—it is obliged to be so. If the banks of this state will take South Carolina paper at par, it will be at par in the country. If the banks, the great money dealers, refuse South Carolina paper on any terms, then it not only falls under par, but can scarcely be used at all. So of the general government, the greatest money dealer in the country; receiving and paying out between thirty and forty millions a year. If it shall refuse all bank paper, it is clear that all bank paper must be greatly depreciated.

The Doctor well knows all this. He knows that every office holder's pay must be increased from 10 to 20 per cent. if this odious measure shall prevail.—He knows that members of Congress may (as some of them did during the extra session,) sell their gold and silver to brokers in Washington, getting from 107 to $110 in bank paper, (answering all their purposes in paying for board, and clothes, and rich wines,) for $100, in the precious metals. This odious discrimination ought not and will not be borne in a free country. It moreover tends to unite the purse and the sword, fearfully to increase the power and patronage of the executive, and to set the President above the control of Congress and the people.

The revenue is certain; about thirty millions a year must come in, unless the laws are repealed—they cannot be repealed without the assent of the President. This sub-treasury is to take all this money and keep it in such hands as the President may designate, in GOLD and SILVER too; locked up in vaults, the keys of which are not the hands of Congress, but in the hands of the President's underlings. What may stay an ambitious President from using all this money to subsidize armies to conquer the

liberties of the people? We answer, nothing. No appropriation is needed, when all the money is already in his hands.

We do not mean to insinuate that we *now* have any such fears. We are sure Mr. Van Buren is not the man for such an enterprize. We go further, we have no reason to believe he would so use it, if he could. It is enough however to know that *it might be so used!*

It is a fearful and tremendous power that never ought to exist in a free country, and which we hope and trust, with the blessings of God, and the help of a patriotic people, never will exist in this country.

THE BANKS.

The Doctor says, he is for the sub-treasury, as the means of *divorcing the government from the banks.* What does he mean? He cannot mean that no bank is to be used by the government; for the President, in his last annual message, plainly tells us that the government ought to use the banks when they may be deemed useful; and the Doctor is not the man (as we suppose,) to fly into the face of the President, and resist his recommendation. What, then, does he mean? Does he mean to strike out of existence the 800 banks in the country? He cannot mean *that*, for Congress has no power to destroy banks created by the states. If Congress had the power, does the Doctor think it would be wise to destroy, *at once*, all the banks? We have, by estimation, six hundred millions of dollars in circulation; eighty millions in gold and silver, and five hundred and twenty millions in bank paper. Six hundred millions is a large sum; and, yet, money seems scarce enough. Does the Doctor think he would make *times easier*, by striking out of existence five hundred and twenty millions, and leave in the country but eighty millions to answer the purposes for which six hundred millions seem hardly enough? Does not every one see that one dollar, in that case, must answer all the purposes that six dollars now do? That if a barrel of flour is worth six dollars *now*, by destroying five sixths of all the money in the country, the same flour *must sell*, if sold at all, for about one sixth of the former price? And if all the bank paper is destroyed, how will the people pay the government nearly thirty millions a year, out of eighty millions, and have money for other purposes? Can they pay the taxes at all? Will it not be requiring bricks from the people "without straw?" No hard-hearted Pharaoh, with Van Buren and his partizans, shall bring this people, by the blessings of God, to this extremity.

Besides, how can the debts of the country be paid, when it shall come to be as hard to get one dollar, as it now is to get six? Such a measure would be far more fatal than the confiscation of two thirds of all the property of the country. What does the Doctor then mean? He simply means to stir up an old prejudice of the people against banks, to delude and mislead them, without any other object than to *keep his seat in Congress!* by raising the cry of "mad dog" against the banks. This is what we believe the Doctor means; but his leaders who look a little deeper into matters, than the Doctor, mean to unite the purse and the sword, and to create a power, influence, and patronage, that will make the executive independent or nearly so, of the people, and to *keep power or to confer* it, as may seem meet to our rulers. The banks are no favorites of ours; neither state nor United States banks. As to the latter, we are decidedly opposed to it *now*, and shall be at all times, unless the necessity of it shall become so urgent, that all men of all parties shall unite in its favor. The bank of *a party*, we are sure, would bring more evil than good. Yet, we believe that banks rightly framed and judiciously managed, are capable of doing much good to the country.

THE ATHERTON CAUCUS.

We understand the Doctor was in that caucus. We scarcely know of decent terms strong enough to characterize the conduct of a Southern representative who goes into caucus with *quasi* abolitionists, the Duncans and others of the North, and East, upon the subject of slavery in the South; while the majority of the members of *his own state*, are excluded. To go into caucus with men who have no common interest with us, who are open enemies of the institution, denouncing it as immoral, tyrannical, and a crying sin in the sight of God, while those from his own state, representing a majority of the slave interest, are excluded as unworthy to be trusted in the delicate matter!

The whole thing is so preposterous, so indicative of blind and infatuated party zeal, that it should be visited not only with scorn for its weakness, but punishment for its wickedness.

We will not go into caucus on this subject. We will not stake this great interest of the South, worth probably more than twelve hundred millions of dollars, upon a game of politics—to be gambled for, perchance, by black leg politicians. We will stand by the Constitution, which guaranters our rights, and otherwise defend those rights, if need be.

How did the Doctor like to see some of his co-laborers in the Atherton caucus, favoring, by their votes, the accrediting at Washington City, of *a black minister* from the black Republic of Hayti? Some of the Doctors caucus friends gave such a vote; and some, we believe, even from the South!—We hope the Doctor did not. We cannot now refer either to the newspaper account of the vote, or the journals; and therefore, do not know.

DEFAULTERS, AND THEIR APOLOGISTS.

The character and moral sense of the country, have been deeply shocked by the frauds, the abuses, and the thefts of public officers. The treasury has lost, by their frauds and the connivance of their superiors, millions of the people's money.

These defaulters were, however, good partizan friends of the administration.—They were suffered to hold on to office; some of them, year after year; others, months after months; when *it was known* at Washington that they were defaulters—and yet we hear but little on the subject from the defenders of the administration.

They will not defend the fraud, but all sorts of apologies and excuses will be made for the head men of the party. We do not wish our representative to be one of the *white washers*. The government, with its mysteries, is already too strong or too acute for the people; and what chance has the poor people for justice, when their representative leans more to men in power than to the interests of the people? We have heard of neither vote or speech of our representative, against these stupendous frauds.

Resolved therefore, That this meeting appoint the following delegates, to wit—H. Parker, esq., Morgan Carrington, Capt. H. Parrish, and John Hall, to attend the convention at Hillsborough, on 31st inst., to determine upon some Republican Whig, as an opponent to Dr. Montgomery, in this congressional district.

Resolved, That this meeting adhere to the Whig republican creed of 1798-'99.

Resolved, That the proceedings of this meeting be signed by the chairman and secretary, and the Editor of the "Recorder" be requested to publish them.

JOHN R. HALL, *Ch'n.*
G. W. JONES, *Sec'y.*

WHIG MEETING AT ROUND HILL.

A large and respectable meeting assembled at Round Hill on the 18th inst. to consider of the propriety of appointing Delegates to the Convention to be held at Hillsborough on the 31st instant,

On motion, Williams Harris was called to the chair, and William D. Parker was appointed secretary. The chairman having announced the meeting as organized and ready to proceed to business; E. G. Mangum rose and addressed the meeting, explaining the nature and importance of the objects in view: whereupon it was unanimously determined to appoint delegates to said convention.

On motion of E. G. Mangum it was voted that the chairman should appoint a committee of three persons, to report whatever they may deem fit for the action of this meeting. The chair announced E. G. Mangum, John Duke and Benjamin Hester as the committee; who, having retired, afterwards reported the following preamble and resolutions; which, after filling the blank with the names of the delegates, and making other amendments, were unanimously adopted in the form following, to wit:

Whereas it is a high and unalienable right of freemen to assemble and consult together touching public matters; which sacred and inestimable right has been guaranteed to us by our bill of rights of blessed revolutionary memory; and whereas, in our opinion, the condition of public affairs admonishes the great mass of the people of the necessity of increased vigilance and activity in detecting the abuses and mal-administration of the government, and applying the necessary corrective; and whereas we believe we have reached a crisis that menaces the integrity of the constitution, and involves the deepest and wightiest interests of the states and the people, for good or for evil: That the period has arrived when the great question *must* be decided, whether *the opinions and policy of our rulers*, or the *opinions and policy of the people, shall prevail:* That the sub-Treasury and other financial measures of the President and his followers are made the great questions of the administration, though three times *rejected* by the people, and the people's representatives; so that the real and true issue to be tried, is, whether the President, his office holders and hopers for office, and adherents, shall *prove too strong* for the states and the people. To a free people, we have the strongest confidence, that it is only necessary to state the question, to have it decided, and rightly decided; that they will rebuke with the strongest vengeance, those presumptuous rulers, who would set themselves up as the masters of the people,

And whereas our late representative in Congress, the Hon. Wm. Montgomery (who again offers to represent us) is a steadfast adherent of those in power, and of course a supporter of their measures and policy generally; and whereas we believe those measures are profoundly hostile to the liberty and best interests of the states and the people; therefore we desire a change in our representation, and will consult with the Whigs of the district and endeavour to fix upon some sound Republican Whig as an opponent to the late member; to whose re-election we are opposed for divers reasons, too numerous to be comprehended, or even glanced at, in a succinct compend suitable to an occasion like this—but especially,

1st. Because of his unscrupulous support of an Administration which has increased the expenditures of the General Government from thirteen millions to nearly forty millions of dollars a *year*, in a season of profound peace with foreign nations; while he, the said member, professes to the people to be a disciple of the old republican school of cheap government and economical expenditure. We are republicans, and approve *his professions* in this respect, but pointedly *condemn his practice*.

2nd. Because he ardently supports an administration whose open and *avowed* policy is, to lessen the price of the public lands, to grant them in preemption titles to squatters, and ultimately to surrender them to the states respectively in which they lie; by which the old states (and North Carolina among them, as one of the *old thirteen,*) will be deprived of their respective shares of more than eight hundred millions of acres of public lands. All this the said member does, or *did*, while he pretends to be the greatest stickler in the district for our rights in said lands. So much for *profession* and so much for *practice*.

3rd. Because we have seen no instance of his firmness to resist any measure of the President, or any member of his cabinet, that came recommended to Congress so as to show the administration had it much at heart. Hence we think we may fairly augur, that no such instance of *firmness* would be shown in the future. We, as republicans, desire our member to represent *us, the people*, and not to look to any partisan of the administration as his *fugleman*, so as to represent those in power rather than us.

4th. Because we think we observe a culpable want of firmness, in yielding both his speech and vote to the wishes of Amos Kendall, the Postmaster General, by conferring on him the money bags of the people, containing heavy sums, to be *used at his discretion*, free from regulation and restriction of law—a doctrine and practice better suited to despotic and kingly governments, than to our free institutions, where the ruler *ought* to feel himself the *servant*, and not the *master* of the people. We do not remember to have seen any speech of the late member on the side of the states or the people, as contradistinguished from the party interests of those in power. We desire above all things, that our member shall be independent of *all influence*, except the influence of his constituents, and his conscientious sense of duty.

5th. Because we severely condemn the Atherton caucus, and the course of our late member in going into that caucus—whereby, he compromitted, as far as he could, the great peculiar interest of the South. To go into caucus with New Englanders and others, (and for *party purposes* as we believe,) who have no common interest with us, to settle questions affecting this great and vital interest of the South!—to go into caucus, on this subject, with men who habitually sneer and scoff at us, as tyrants and slave drivers, or denounce the institution as against sound morality and the law of God!—to go into caucus on this subject, and with the open enemies of the institution, is to jeopard this vital interest, and to put the "lamb in the clutches of the wolf" for safe keeping. We had as well go into caucus *upon the constitution*, to determine whether we will live under it, or prefer living under an irresponsible set of office holders! Our representative was a member of that caucus or cabal, while he professes to abhor abolition. So much again for *profession*, and so much for *practice*. We as southern men and republicans, protest against going into caucus on this great interest with its enemies. It belongs wholly to the states, and the people of the states, in which it exists. And our late member, by seeking from a *party caucus* a safe-guard, which the constitution already gives us, seems to consider the constitution as *nothing*, and a party caucus as *every thing*.

6th. We oppose the re-election of the late member, because he perseveres in the support of the sub-Treasury, though so decidedly rejected by Congress and the people, and a large majority of the states of this Union. This may be republicanism: but we, however, can see but little difference between an absolute monarchy, and a government (whatever its name) that will not yield to the voice and votes of its constituents so repeatedly addressed to it. There is scarcely an instance in the history of England for more than a century, in which the King has not been compelled to yield to a fixed majority of Parliament. Has it come to this, in the very infancy of our Republic, that the President will obstinately persevere in an attempt to accomplish against the voice of the people so often expressed, what none of the Kings of England for a century, backed by his nobility and all their patronage, have effected in that country, when the *faithful Commons*, "the servants of the people," had taken their stand, and that Doctor Montgomery backs the President in it, and he, the Doctor, expects us, *as freemen*, to back him, even against ourselves? We cannot support the Doctor in his attempt to force on the country this odious measure against the public will, by which the sword and the purse will be united in the hands of the President and his underlings; by which two currencies will be created, the gold and silver for the government and the office-holders; and bank paper (which in that case must be under par) for the people; by which the government will exact from the people every year, thirty millions of dollars or upwards in gold and silver, refusing to receive a dollar in bank notes, which the people are obliged to use. We think that money which is good enough for the *people*, ought to be good enough for *the government* and *its office holders*. The people, by the theory of our government, are the creators and the masters of the government. We think, what is good enough for "master," is good enough for "man." Here the "man" surrenders the *empty theory* to the "master," while he takes all the benefit of the *practice*. He pockets the gold and silver, while the "master" is fobbed off with bank rags! A happy scheme for office holders, and members of Congress, by which their pay will be worth ten or twenty per cent.! more than it now is! They must be fed upon corn out of the public crib, while shucks are good enough for the credulous and abused people. We may be credulous, but we know "a hawk from a hand-saw," and cannot back you, Doctor, in this new scheme, unknown heretofore in our country. A scheme *to make Presidents, increase fearfully Federal power and patronage*, and to convert sub Treasurers into leg-Treasurers, to run off, as have Swartwout, Price and others, with millions of the public money.

7th. Because in the late member's whole course, we think we have seen more of the partisan than of the statesman. That his eloquence and ingenuity are wholly exhausted on the side of power, and in making apologies and excuses for mal-administration, and abuse of power. That we have witnessed no lofty, manly and indignant denunciations of the frauds, peculation and stupendous abuses that have bankrupted the government; and in a time of profound peace, with a revenue of thirty millions a year, have driven it into the market to be shaved as a borrower; or to issue paper of its own, by which the people are shaved.

Resolved therefore, that this meeting appoint the following persons, to wit—James G. Laws, John S. Roberts, John Hopkins, E. G. Mangum, and Willie R. Mangum, as delegates to the Whig Convention, to be held in Hillsboro' on the 31st inst., to fix upon some Republican Whig, as an opponent to the late member of the House of Representatives of the United States, from this district.

Resolved, That this meeting entertain, and will adhere to, "through good and through evil report," the good old Republican creed of 1798-'99.

Resoled. In the opinion of this meeting, that the present administration has departed from the cheap simplicity and purity of genuine ancient republicanism; and that the government is administered more for the benefit of the *few*, than of the *many*, and needs a thorough reform.

Resolved, That our delegates be requested to bear in mind the preamble and resolutions adopted by this meeting, as a fair exposition (as far as they go,) of our principles.

Resolved, That the Editor of the Hillsborough Recorder be requested to publish the proceedings of this meeting.

WILLIAMS HARRIS, *Ch'n.*
WM. D. PARKER, *Sec'y.*

CANE CREEK WHIG MEETING.

After a few days notice, a respectable number of the citizens on the south side of Orange county, convened at the Cane Creek Cotton Factory, on Friday the 17th inst. On motion of Solomon Allen, Mr. Peter Foust was called to preside, and John R. Holt, esq. appointed secretary. By request, John Stafford, esq. introduced the following resolutions for the consideration of the meeting:

Resolved, That although we entertain for our late representative in Congress, as a fellow citizen, sentiments of personal respect; yet as a politician and representative, we object to the principles both of him and of "the party" to which he belongs, throughout: we have no confidence in the establishment of the Independent Treasury, either as a fiscal agent of the government, or as a fountain and source of a sound and wholesome currency; and will therefore reject, with that firmness and decision which becomes freemen, any attempt to force it upon the country.

Resolved further, that we oppose Dr. Montgomery and his party, because they advocate the right of instruction when it suits their purpose of obtaining power, and reject it when they are likely to be loosers, as in the case of Messrs. Brown and Strange, our Senators in Congress.

Resolved further, That, entertaining these sentiments, we will use every honest endeavor to promote the election of any respectable Whig candidate that may come out in opposition to Dr. Montgomery.

Resolved, That a committee of three be appointed as delegates to represent this meeting in the convention to be held at Hillsborough on the 31st inst. to confer in the choice of a suitable candidate to represent us for the next term in the Congress of the United States.

These resolutions were passed without a dissenting voice; afterwards Messrs. John Dixon, John Stafford and John R. Holt, were chosen to compose the committee of delegation. The Secretary was requested to prepare the proceedings of the meeting, and transmit them to the editor of the Hillsborough Recorder, with a request that they be published. After an expression of thanks to the officers, the meeting adjournod to the 2nd Thursday in August.

PETER FOUST, *President.*
JOHN R. HOLT, *Secretary.*

HAW RIVER WHIG MEETING.

At a meeting held at the house of Mr. George Foust, on Monday the 20th inst. Michael Holt, esq. was called to the chair, and Chesley F. Faucett, esq. and Dr. James A. Craig, were appointed secretaries.

The object of the meeting having been stated by the chair, on motion Chesley F. Faucett, esq., Dr. James A. Craig, Dr. Samuel Holt, Dr. Michael Holt, and Col. Nicholas Albright were appointed a committee to prepare resolutions, &c. for the action of the meeting. After a short interval, the committee reported the following preamble and resolutions, which were unanimously adopted:

Whereas, in the opinion of this meeting, the permanence of our free government depends upon the simplicity, cheapness and purity of our institutions; and whereas, the abuse of powers entrusted to the Congress and the Executive, can only be corrected by the virtue and intelligence of the people; and whereas, the unceasing efforts of the President (through his party,) to control the revenue of the United States, which, with his growing patronage, is brought to bear upon the freedom of elections, gives to every honest friend of his country just reason to fear the loss of our inimitable constitution, and with it our liberty; therefore,

Resolved, That the resolutions passed by our General Assembly at its late session, known as the Rayner Resolutions, expressive of the wishes of the people of North Carolina on various questions which are agitating the country, are, in the opinion of this meeting, strictly republican, and meet its approbation.

Resolved, That we disapprove of the sub-Treasury system, as a dangerous experiment on the currency of the country; as a scheme, wrong in theory and dangerous in practice; and, if established, would present the anomaly of two distinct currencies established by law in a republican government—"the better currency" for the government, and *any sort* for the people.

Resolved, That the practice of the present administration, in levying a tax upon office holders equal to a certain per cent. on the amount of their salaries, in order to raise a fund for electioneering purposes, is, in the opinion of this meeting, anti-republican, and "brings the patronage of the Federal Government in conflict with the freedom of elections."

Resolved, That, in the opinion of this meeting, our late representative, Dr. William Montgomery, has not represented the true interests of this district, (being entirely the instrument of the administration;) and that, being desirous to have a representative of the people, and not of a party, the following persons, viz: Col. Handy Wood, Col. Nicholas Albright, Chesley F. Faucett, esq. George Hurdle, esq., Col. James Moore, Col. James Grahams, John Boon, esq., Col. Wm. A. Carrigan, John Newlin, Col. John Hardin, Dr. Michael W. Holt, Michael Holt, esq., Joshua Johnston, Emanuel Clapp, Absalom Harvey, Boston Isley, and James Whitsitt be appointed delegates to the Convention, to be held at Hillsborough on the 31st of May inst., to select a proper person as the Whig candidate to represent this district.

Resolved, That the proceedings of this meeting be sent to the editor of the Hillsborough Recorder for publication.

MICHAEL HOLT, *Chairman.*
CHESLY F. FAUCETT, } *Secretaries.*
JAMES A. CRAIG, }

LATEST INDIAN NEWS.

From the Tallahassee Star, May 8.

Once more we are compelled to darken our columns with the atrocities of the unrelenting and wakeful Seminole. All has been quiet for some time past, but it was only the fearful calm which precedes the storm.

Lieutenant Hulbert was a native of New York, and a graduate of West Point. We sincerely mourn the loss of these valuable young officers of our army.

The following letter from Captain Peyton we publish *verbatim*:

St. Mark's, May 7, 1839.

Sir: I have this moment returned from Deadman's Bay, and have to communicate to you the melancholy intelligence of the murder of Lieutenant Hulbert and private O'Driscoll, of the 6th infantry, by the Seminoles.

The express rider between Fort Frank Brooke and Fort Andrews did not arrive in season, and Lieutenant Hulbert, with ten men, went out from the place on the 3d of May to ascertain the reason. About half way between the two posts, the command was halted, and Lieutenant H. with with O'Driscoll, of (F) Company, went on in advance, intending to pass the night at Fort Frank Brooke.

They were both shot by a party of Indians at the Fourteen Mile creek, probably while watering their horses. O'Driscoll's horse ran into Fort Frank Brooke, slightly wounded, and gave the first news there.

Four balls were shot through Lieutenant H., but neither he nor the soldier was scalped. Both bodies were interred on the 4th ultimo, at Deadman's Bay. The express rider has not yet been found, and but little doubt is entertained of his death.

Very respectfully, your ob't servt.
R. H. PEYTON,
Captain and Assistant Quartermaster.
Colonel W. DAVENPORT,
First Infantry, Commanding.

From the news received from Tampa Bay, it would appear that the Indians are determined not to treat with a view to emigration. They have heard that the land which Government had assigned them west of the Mississippi cannot be found on their arrival—that country is no longer theirs, and they are naturally angry, and resolved to remain where they are at all hazards. The chief of the Tallahassees said at Tampa that, if the soldiers were sent after them, they would fight until their powder and lead was gone, and then with bows and arrows. He would not agree to hold council with General Macomb, for he was certain the whites had two faces; he said he spoke the sentiments of all the Indians north of Tampa Bay, and that any Indian who attemdted hereafter to come in to the whites, would be killed. On the night of the 22d of April, about one hundred hostiles went into Tampa, and took away some thirty friendly Indians, who were waiting to emigrate. During the night the Tallahassee chief held a long talk with a Spaniard, named Isaac Mantes De Oca, who speaks the Indian language well, and communicated to him what we have narrated above. *Star.*

Col. Bernard E. Bee, Texian Minister Plenipotentiary to Mexico, left New Orleans on Saturday in the Woodbury for Mexico. The Bee says, "We understand he bears the olive branch of peace, the object of his mission being to obtain the recognition of Texian independence on the part of Mexico, and to form a treaty of peace, amity and commerce with that Republic."

Weekly Almanac.

MAY.	Sun rises	Sun sets.	MOON'S PHASES. D. H. M.
23 Thursday,	4 57	7 3	
24 Friday,	4 57	7 3	
25 Saturday,	4 56	7 4	
26 Sunday,	4 55	7 5	Last 6 10 57 morn
27 Monday,	4 55	7 5	New 13 1 56 morn
28 Tuesday,	4 54	7 6	First 20 1 10 morn
29 Wednesday	4 54	7 6	Full 28 5 29 morn

Fashionable Tailoring.

NEW SPRING & SUMMER FASHIONS.

Mr. Robert F. Pleasants,

WOULD respectfully return thanks to the generous public who have heretofore favored him with their custom; and informs them that he has just received the latest and most approved Spring and Summer Fashions, and is well prepared to execute work in his line, in

A SUPERIOR STYLE,

promising despatch, neatness, and durability. No pains will be spared on his part to please those who may patronize him. His friends and the public generally, are respectfully solicited to give him a call. It is not his disposition to *measure* words of promise, or to *cut out* ideas to please the fancy—but the plain *thread* of his advertisement presents the *habiliments* of truth, which will be *fitted* up to the letter.

☞His Shop is directly opposite the Post Office, and two doors above the Farmer's Hotel.

☞Orders from a distance punctually attended to.

Hillsborough, May 24, 1839. 71tf

To the Public.

THE subscriber expects to have in full operation, by the first of June, TWO WOOL CARDING MACHINES, at his mill on Eno, five miles east of Hillsborough; where Carding will be done in the best style, if the wool is brought early.

Cash will be given for Wool. A constant supply of Rolls for sale.

Also the highest price given for good Wheat. A constant supply of good Flour for sale.

And furthermore, he would call the attention of Parents and Guardians to the SCHOOL located near his house, wherein the most useful and refined branches of an English education are taught. Board, washing and tuition, thirty six dollars per session of five months.

The first session of the school will terminate on the 14th June, and the second session will commence on Monday the 8th of July.

THO. W. HOLDEN.

May 21. 71—

Whig Meeting.

A WHIG MEETING will be held at Pleasant Grove, Orange county, on Saturday the 25th instant, for the purpose of appointing delegates to the District Convention, proposed to be held at Hillsborough on Friday the 31st May, to fix upon some suitable person as the Whig candidate for Congress for this district. The Whigs are requested to attend.

May 14. 70—

Notice.

To Messrs. Benton Utley, Nathaniel J. King and John W. Carr, trading under the firm of Carr and King, Wm. Durham and Anderson K. Clements, trading under the firm of Durham and Clements, Noah Trice, Pleasant Trice, Zachariah Trice, Wm. Trice and John Williams.

BEING arrested under a *capias ad satisfaciendum*, at the instance of James Blackwood, and having duly given bond and security on the said process for my appearance; you are hereby notified that on Monday of the next Court of Pleas and Quarter Sessions for this county, to be held at the Court House in Hillsborough, on the fourth Monday of May instant, I intend applying to the Justices of said court for permission to take the insolvent debtor's oath; at which time and place you can attend if you think fit, and object to the said procedure.

CHRISTOPHER DAVIS.

May 6. 69—3w

To the Fashionable World.

The Latest Fashions

JUST RECEIVED.

MR. LEVIN CABRIOLAS

has the pleasure of announcing to his friends and the public generally, that he has just returned from the North, from whence he has furnished himself with the latest Baltimore, Philadelphia and New York SPRING AND SUMMER FASHIONS; and is prepared to have work executed accordingly, having first rate Northern Workmen.

The faithfulness with which he has heretofore endeavored to have executed with taste and despatch the work put into his hands, he hopes will be a sufficient guarantee that no pains will be spared to please those who may now favor him with their custom.

☞Persons from a distance who may order work, may expect it to be done with the same promptness as if individually present.

All orders will be faithfully executed.

May 7. 69—

Equity Sale.

STATE OF NORTH-CAROLINA,
Orange County.

Boston Isley vs. *The heirs at law of Wm. Dicks, deceased.* } In Equity.

IN pursuance to a decree of the Court of Equity, made at March term, 1839, I shall proceed to sell to the highest bidder, before the court-house in Hillsborough, on Monday the 27th day of May next,

A tract of Land containing 142 acres, on Deep Creek, adjoining the lands of Henry White and others;

Also one other tract of 14 acres, adjoining the aforesaid tract and others.

To be sold on a credit of twelve months—bond and security required.

JAMES WEBB, *C. & M.*

April 30. 68—4w

THE SABBATH.

The world is full of toil,
It bids the traveller roam,
It binds the laborer to the soil,
The student to his home—
The beasts of burden sigh,
O'erloaded and oppresst—
The sabbath lifts its banner high,
And gives the weary rest.

The world is full of care,
The haggard brow is wrought
In furrows as of fixed despair,
And check'd the heavenward thought;
But with benignant grace,
The Sabbath's chastening tone
Drives money changers from the place
Which God doth call his own.

The world is full of grief,
Sorrows o'er sorrows roll,
And the far hope that brings relief
Doth sometimes pierce the soul,
The Sabbath's peaceful bound
Bears Mercy's holy seal,
A balm of Gilead for the wound
That man is weak to heal.

The world is full of sin,
A dangerous flood it rolls,
The unwary to its breast to win,
And whelm unstable souls;
The Sabbath's beacons tell
Of reefs and rocks below,
And warns, though gay the billows swell,
Beneath are death and wo.

There is a world—where none
With fruitless labor sigh,
Where care awakes no lingering groan,
And grief no agony.
Where sin, with fatal arts,
Hath never forged her chains,
But deep enthroned in angel hearts,
One endless Sabbath reigns.

L. H. S.

HUMAN HAPPINESS.

This life is a fevered unsatisfying state of existence, and man is a restless creature. Be his rank, or situation, or circumstances what they may, it matters not; there remains ever an object unattained, on which his eye rests, and for which his heart yearns with insatiable craving. So long as the object is unpossessed he is an unhappy being; and when obtained, how often is it flung aside as the useless toy of a child? Splendor and affluence may sprinkle his pathway with rose leaves—gratified ambition may fling its golden halo around his brow—pleasure may envelope him in herelysium of seductions; every department of nature and of art may be ransacked for the elements of happiness, and then from all of them he may turn away, fainting, weary, sick at soul with unsatisfied aspirations.

Who has not in the beautful daydreams of excited fancy—when he has cast loose the reins of imagination, and, for a brief season, has permitted his thoughts and his feelings unrestrained to revel in the fairy realms of the ideal of the world—who at such an hour, has not traced out upon his mind's tablet the outlines of a scheme of happiness which he may never enjoy, and, in conception, summoned up a paradise of bliss, of which this earth knows not? Who in fancy has not spread out to his vision greener fields than ever, even in boyhood's hour, he has frolicked on; bathed his fevered lip in fresher fountains than ever gushed from the rock, and traced above him bluer skies and richer sunlight than ever canopied earth?

Ah, could we see the thougnts of the hearts of the varied multitude, which, in the bustling scenes of ordinary existence, throng around us—could we trace out the untold emotions which agitate the unseen secreries of their bosoms, how many a wild and bitter thing should we there find rankling, which the beamy eye, and flushed cheek, and sunny lip had never revealed? What unspeakable longing! what intense solitude! what feverish aspiration! what fearful foreboding! what remorseless meditation! what wild hopes and wishes should we not there behold!

And thus it is; and, as the features of the human face are the same in every countenance, so are the features of the human heart in every breast. Thus it has ever been; nor in the nature of moral, mental, or spiritual existence, can it ever in this unsanctified world, be otherwise. The objects around us are destined to gratify the mere demands of our physical organization. In the wide reaching circle of creatings things, there is nought to quench the feverish craving of the soul. The phantoms of hope—the unreal mockery of anticipated futurity—ah! how they agitate the unsatisfied bosom, when contrasted with the emptiness of reality! There is within us a flame which the many waters of this life cannot assuage! There is an aspiration of the spirit, for which the things of earth are too mean!—a longing for immortality which this earth can never gratify, and the desire of an existence beyond the bourne of the present, which if we would, we cannot away with.

And must it be ever thus? Are the agitated billows of disquieted feeling never to be calmed? Are the wild aspirations of the heart never to be satisfied? In the touching and beautiful language of the German poet, we reply—"There is a reality, which shall embody, and exceed and satisfy all that is here *ideal*."

CHEERFULNESS.—By Mrs. Sigourney.

Endeavor to preserve cheerfulness of deportment, under the pressure of disappointment or calamity. "Keep aloof from sadness," says an Icelandick writer of the twelfth century, "for sadness is a sickness of the soul." That principle is weak at the root, which is unable to resist obstacles. The vessel is but ill-constructed that cannot retain its integrity against rough winds or an opposing tide. Life has many ills, but the mind that views every object in its most cheering aspect, and every doubtful dispensation as replete with latent good, bears within itself a powerful and perpetual antidote. The gloomy soul aggravates misfortune, while a cheerful smile often dispels those mists that portend a storm. Form a habit of *being* cheerful under adverse circumstances. "Our happiness," says a fine writer, "is a sacred deposite, for which we must give an account." A serene and amiable temper is among its efficient preservatives. Admiral Collingwood in his letters to his daughters, says, "I never knew your mother to utter a harsh or hasty thing to any person in my life." Of Archbishop Leighton, it is related, by one qualified to judge, that "during a strict intimacy of many years, he never saw him for one moment in any other temper than that in which he would wish to live and to die." Though some may with more ease than others, attain equanimity of character, yet the cheerfulness that surmounts care, disappointment and sorrow, must be the result of cultivated principle, of persevering effort, and the solicited succour of the grace of God.

A good conscience is essential to consistent cheerfulness. "Were thy conscience pure," says the excellent Thomas A. Kempis, "thou wouldest be undisturbed by the opinions and reports of men concerning thee;—for their commendation can add nothing to thy goodness, nor their censures take any thing away from it;—*what thou art, thou art;*—nor can the praise of the whole world make thee happier or greater in the sight of God. Thou wilt enjoy tranquility, if thy heart condemn thee not. Therefore, do not hope to rejoice but when thou hast done well." A decided preference of the right, though the wrong may be rendered most alluring, and the conviction of having intended to do well, are necessary to self-approval. Success, and the applause of others, may not always bear in proportion to the motives that actuate us. We may be sometimes blamed when our designs are pure, or praised when we are not conscious of deserving it. Such results must indeed often happen, since this is a state of probation and not of reward. The *true record* must be kept within. Its appeal is to a tribunal that cannot err. The waiting and trusting spirit may surely be cheerful. It is a weak faith that cannot look above mistake and misconstruction up to the clear shining of the Sun of Righteousness. It is but a decrepit cheerfulness that can walk abroad only when the breeze is soft and the path verdant.

We are instructed to believe that *praise* is the spirit of heaven. Cheerfulness, and giving thanks, ought therefore to be cultivated by all who have a hope of dwelling there. If we were to take up our residence with distant friends, we would wish to acquire some knowledge of their taste, that we might so accommodate our own as to become a congenial inmate. If we were to sojourn in a foreign country, we would not neglect the study of its language as the means of intercourse with its inhabitants. If the spirit of a clime where we hope to dwell eternally, is revealed to us, let us not be indifferent to its repuisitions. Let us fashion the lineaments of our charaeter after that bright and glorious pattern, that if we are so happy as to obtain entiance therein, its blissful inhabitants may not be to us as strangers, nor their work a burden;—but let us be fitted by the serenity learned on earth, to become "fellow citizens with the saints and of the household of God."

REMARKABLE FACTS.

Christianity began at Jerusalem. At the expiration of forty days after the death of Christ it numbered about 120 followers. Immediately after 3000, and soon after 5000 more: in less than two years great multitudes not only at Jerusalem but throughout Judea. Mahommed was three years in making fourteen converts, and those too of his own family, and proceeded so slow at Mecca, where he had no established religion to contend with, that in the seventh year, when he was compelled to flee from Medina, only 82 men and 18 women retired to Ethiopia. Within a century from the time of the ascension, Christianity, without any aid but that of preaching, covered not merely Syria, Lybia, Egypt and Arabia, Persia, and Mesopotamie; not merely Asia Minor and Parthia; but a large portion of Europe. Islem, on the contrary, had no considerable success, until it achieved it by the sword and when it ceased to use the sword in making proselytes, its progress was at once arrested. We then ask the infidel to say what was this remarkable progress in christianity owing to? Not certainly to the rank and power of its author; he passed the greater part of his life in obscurity, working as an artisan, and the residue as a wandering teacher, and at last was executed as a malefactor. Not to the learning or influence of his followers, for they were fishermen and publicans. Not the sword, he employed none but "the sword of the spirit." Not to the aid of government, for both Jews and Romans were banded together to destroy it. Not to the hopes of wealth, honor or power, for its author very frankly told those who became his followers, "my kingdom is not of this world," and taught them to expect not merely contempt and persecution, but loss of all things, even to life. Not to its flattery of the human character, for it implicitly declares, "Except a man be born again he cannot enter the kingdom of God." Not to any license given to sensual indulgence, for the language of it was, "If any man will come after me, let him deny himself and take up his cross daily and follow me." Not to the hopes of a sensual heaven.—"Into the city shall nothing enter that defileth." Not to a blind credulity, for many who embraced christianity during the first two centuries were men of distinguished talents and enlightened minds, and all who cordially embrace it will become men of virtuous character. We then repeat the question to the infidel. Why did the religion of one who was publicly executed between two thieves—of one who was without friends, without power; a religion which flattered no one, which exposed its followers to persecution and death; which required self-denial and self-renunciation, and offered no reward in the future world but holiness; why did it immediately pervade the city and region where he was thus executed, and in a little period all the surrounding world? If he admits that it was owing to the inherent evidence of the truth and its divine origin, he does the same. And if he denies both, he asserts a far greater miracle, in the progress of christianity under these circumstances, than any or than all those which he disowns.

Diseases are the interest of pleasure.

Notice.

NOTICE is hereby given, that my son STERLING CRABTREE is freed from all allegiance to me, that he may transact business for himself, and make bargains and contracts in his own name; and must be held responsible for the same as though he was of age.

ABRAM CRABTREE.

May 14. 70—3w

NEW Spring and Summer GOODS.

THE subscribers having opened a Store in the well-known house, formerly occupied by Col. Shields, on Churton street, one door below the Post Office, are now receiving a general assortment of

Staple and Fancy Dry Goods,

of almost every description, which will be sold as low as they can be offered in this market; we will not say lower, as promises are of little avail, but hope our friends, and those wishing to purchase, will examine our stock previous to buying elsewhere, and let our actions speak instead of words.

OUR STOCK COMPRISES

Cloths, Cassimeres, Sattinets, Persian Cloth, Bombazines, Crape Cambletts, French, English and American PRINTS, Printed LAWNS and MUSLINS, Black, Bule-Black, and Coloured SILKS, &c. &c. &c.

ALSO,

Hardware and Cuttlery, Glass, Queensware, Crockery, and Stone Ware, Hats, Caps, Shoes, Bonnets, Cotton Yarn, Castings and Scythe Blades, Molasses, Sugar, Coffee, Powder, Shot, Nails, Window Glass, White Lead, &c. &c. &c.

And many other articles too numerous to mention. *Call and see.*

PARKER & NELSON.

April 18. 66—

Junto Academy.

THIS Institution, twelve miles north-west from Hillsborough, Orange county, N. C. and six miles north of Mason Hall, enjoys a location in the midst of an agreeable neighborhood, surrounded by a pleasant country, which an exceedingly pure and salubrious atmosphere, a peaceful seclusion and other important advantages, combine to render peculiarly eligible and inviting. Here the student is invited, by the prospect of study, uninterrupted by ill health, and those other causes which frequently so much retard the progress of youth. Here the path to virtue and honorable distinction lies open before him, with few, but rural allurements, to withdraw him from the pursuit, with comparatively few temptations to lead him astray.

The student who comes here is forthwith incorporated into a family, which hitherto, has been a contented and happy one; over whom a parental government is exercised, and a vigilant eye kept. He immediately becomes the subject of all a father's solicitude, exertions and anxieties.

As it is designed that this institution shall be a classical school of the highest grade, classical literature constitutes a distinct department, under the immediate and particular supervision of the Principal himself. Ample provisions are made to prepare students for any of the Universities of the country, or to impart to those who design only to take an accademical course, a thorough acquaintance with classical literature.

The English department, which is separate and distinct, is under the direction of an efficient and competent instructor; so that all requisite facilities are afforded for the prosecution of such English studies as are generally prosecuted in Academies of the highest grade.

The Principal is now making extensive additions to his accommodations for boarders, so that in a short time rooms will be open for 18 or 20 boarders. Good board can also be procured in the neighborhood.

Tuition in the Classical Department, per session of five months, $12 50.

English Department, $8 per session.

Board per month, exclusive of lights, $7 50.

The present session will end on the 15th of June next.

☞ The next session will commence on the 15th of July.

Those who may wish to correspond with the Principal of this Academy, will please to address him as Postmaster at Junto.

D. W. KERR.

April 16. 65—

Job Printing,

NEATLY & EXPEDITIOUSLY EXECUTED ☞ AT THIS OFFICE.

Moffat's Life Pills, AND PHŒNIX BITTERS.

THE universal estimation in which the celebrated LIFE PILLS and PHŒNIX BITTERS are held, is satisfactorily demonstrated by the increasing demand for them in every state and section of the Union, and by the voluntary testimonials to their remarkable efficacy which are every where offered. It is not less from a deeply gratifying confidence that they are the means of extensive and inestimable good among his afflicted fellow creatures, than from interested considerations, that the proprietor of these pre-eminently successful medicines is desirous of keeping them constantly before the public eye. The sale of every additional box and bottle is a guarantee that some person will be relieved from a greater or less degree of suffering, and be improved in general health; for in no case of suffering from disease can they be taken in vain. The proprietor has never known nor been informed of an instance in which they have failed to do good. In the most obstinate cases of chronic diseases, such as chronic dyspepsia, torpid liver, rheumatism, asthma, nervous and bilious head ache, costiveness, piles, general debility, scrofulous swellings and ulcers, scurvy, saltrheum, and all other chronic affections of the organs and membranes, they effect cures with a rapidity and permanency which few persons would theoretically believe, but to which thousands have testified from happy experience. In colds and coughs, which, if neglected, superinduce the most fatal diseases of the lungs, and indeed of the viscera in general, these medicines, if taken but for three or four days, never fail. Taken at night, they so promote the insensible perspiration, and so relieve the system of febrile action and feculent obstructions, as to produce a most delightful sense of convalescence in the morning; and though the usual symptoms of a cold should partially return during the day, the repetition of a su table dose at the next hour of bed time will almost invariably effect permanent relief, without further aid. Their effect upon fevers of a more acute and violent kind is not less sure and speedy, if taken in proportionable quantity; and persons retiring to bed with inflammatory symptoms of the most alarming kind, will awake with the gratifying consciousness that the fierce enemy has been overthrown and can easily be subdued. In the same way, visceral turgescence, though long established, and visceral inflammation however critical, will yield—the former to small and the latter to large doses of the *Life Pills;* and so also hysterical affections, hypocondriacism, restlessness, and very many other varieties of the Neurotical class of diseases, yield to the efficacy of the *Phœnix Bitters.* Full directions for the use of these medicines, and showing their distinctive applicability to different complaints, accompany them; and they can be obtained, wholesale and retail, at 367 Broadway, where numerous certificates of their unparalleled success are always open to inspection.

For further particulars of the above Medicines see the "Good Samaritan," a copy of which accompanies each box and bottle; a copy may also be had on application to the Agent.

☞ French, German, and Spanish directions, can be obtained on application at the office, 367 Broadway.

☞ All *post paid* letters will receive immediate attention.

Sold wholesale and retail by WILLIAM B MOFFAT, 367 Broadway, New York. A liberal deduction made to those who purchase to sell again.

The Life Medicines may all be had of the principal druggists in every town throughout the United States and the Canadas. Ask for Moffat's Life Pills and Phœnix Bitters; and be sure that a fac simile of John Moffat's signature is upon the label of each bottle of bitters or box of pills.

☞ The above medicines are for sale at the Office of the Hillsborough Recorder—where a constant supply will be kept.

D. HEARTT, *Agent.*

May 9. 68—

Notice.

ALL Letters and Papers directed to the *Clerk of the Superior Court of Orange,* must be *Post Paid,* or they will not be taken out of the Post Office.

JAMES H. NORWOOD, c. s. c.

April 25. 67—3w

Boot & Shoe-making Business.

THE subscribers would respectfully inform the public, that they have taken the stand formerly occupied by Mr. David H. Cates as a Shoe Shop, where they intend carrying on the above business. Every exertion will be made on their part to please those who may favor them with their custom; and they earnestly ask the public to give them a trial.

BOOTS and SHOES made to order; and all orders will be executed with despatch.

HENRY R. BO HAMER.
RICHARD H. LEE.

April 18 66—3w

NEW GOODS

Just Received

A LARGE SUPPLY OF

SPRING GOODS.

O. F. LONG & Co.

HAVE just received, and now offer for sale at their old stand, their Spring Supply, consisting of every variety of Goods usually kept by the merchants of this place, viz:

A Large and General Assortment of

Dry Goods, &c.

COMPRISING

CLOTHS, CASSIMERES, Satinets,

FRENCH, ENGISH AND AMERICAN

PRINTS,

PRINTED LAWNS & MUSLINS,

Black & Coloured Silks,

&c. &c. &c. &c.

ALSO

Hardware and Cutlery, Shot Guns, Hats, and Shoes, Bonnets, Crockery, Cotton Yarn, School Books, Stationary, &c

All of which they will sell at the lowest prices for Cash, or on a short credit to punctual dealers only.

April 15. 65—

To the Millers of Orange & adjoining Counties.

Bolting Cloths!—Bolting Cloths!!

THE subscriber has just received a few pieces of Bolting Cloths of very superior quality and the most approved brand—which he offers at New York retail prices. He can safely say they will give satisfaction to all who will give them a trial.

JOHN U. KIRKLAND.

April 25. 67—4w

NEW WATCHES, Jewellery, &c. &c.

THE subscriber, having just returned from Philadelphia, where he has been to procure articles in his line of business, has the pleasure of offering to his friends, and the public generally, a handsome and excellent assortment of

Gold and Silver Levers,

PLAIN AND VERGE WATCHES,

Fine Gold Chains,
Breast Pins,
Ear Rings,
Finger Rings,
Pencils,
Silver Tea and Table Spoons,
Music Boxes,
Knives, &c. &c.

Also, a good assortment of Perfumery.

All of which, being selected by himself, he can promise will be found excellent articles.

☞ Particular attention will be given to the repair of Watches committed to his charge; and all work put into his hands will be executed with reasonable despatch.

LEMUEL LYNCH.

April 1. 63—

Stray.

STRAYED from the subscriber, living on Stony Creek, Orange county, a Sorrel FILLEY, three years old, with a small blaze in the face, mane mostly on the left side, tail shorn with a knife, one hind foot white, four feet nine or ten inches high. Any information concerning said filley will be thankfully received. The filley left about the first of April.

GEORGE DICKEY.

May 8. 69—tf

GOELICK'S

Matchless Sanative.

THE subscriber keeps this invaluable medicine for sale at Pleasant Grove Post Office, Orange County. Its merits have been abundantly tested in the cure of the *Consumption, diseases of the Liver, &c.*

GAB. B. LEA, *Agent.*

Pleasant Grove, Orange, April 8. 64—

GOELICK'S

Matchless Sanative.

THIS invaluable Medicine, which has performed astonishing cures in the Consumption, and other diseases of the liver, is kept constantly for sale by the subscriber, at Hartshorn Post Office, Orange county.

HENRY FOGLEMAN.

March 13. 61—tf

BETHMONT

Female Academy.

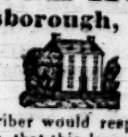
THE exercises of this institution, (twelve miles south west from Hillsborough,) will commence on the first day of February, and will continue without intermission for two sessions; the vacation will be given in the months of December and January. The price of tuition is eight dollars a session; Drawing and Painting five dollars extra. The increase of this school is a sufficient evidence of the general satisfaction which Mrs Morrow has given in the managent of her school; and we hesitate not to say, that those who wish to give their daughters a liberal education would do well to confide them to her care.

Board, five dollars a month.

THOS. D. OLDHAM,
JAMES THOMPSON,
ELIJAH PICKARD.

December 22. 51—

ORANGE HOTEL. Hillsborough, N. C.



THE subscriber would respectfully inform the public, that this large and commodious establishment, situated on the street leading directly west from the Court House, is now open for the reception of Travellers and Regular Boarders. Having erected this building especially for a Hotel, no expense or pains will be spared to give it character abroad; his customers may therefore rest assured that his accommodations will be good.

☞ Families desirous of spending some time in the place, may find comfortable accommodations at the Orange Hotel.

ISAIAH H. SPENCER.

October 17. 41tf—

House and Lot

For Sale---in Hillsborough.

THE subscriber finding it necessary, on account of the location of his business, to remove his family to Chapel Hill, wishes to sell the House and Lot which he now occupies, formerly known as Simpson's Lot. The lot is situated on Churton or Main street, near the Presbyterian Church; is very convenient to the market and business part of the town, and yet sufficiently private to answer well the purpoes of a private family. It contains near an acre of ground, and has on it a large two-story framed Dwelling, good Kitchen, Smoke-House, and other out houses, all of which are comparatively new, having been built by Mr. Simpson within a few years, and occupied by him as a summer residence. The dwelling house has four rooms, with a good fire place in each; and two more rooms may be added with very little expense. The garden, which is very rich, is almost entirely level, and free from stones. Possession may be had at any time, on a very few days notice. For terms apply to Mr. James Philips of this place, or to the subscriber

JAMES C. HOLLAND.

December 4. 48—

BLANKS for sale at this Office.

Look at This.

THE Printing Establishment of the Milton Spectator is offered for sale on accommodating terms. To a practical printer, with a small family, the situation is a very desirable one. Professional and other engagements, demanding at present the whole of my time, alone prevent me from again assuming the Editorial chair, which, with some exceptions, has been to me a source of pleasure and profit. There is, perhaps, no village in the state that holds out better inducements for an establishment of the kind.

N. J. PALMER.

Milton, N. C. Jan. 21 58—

FARMER'S HOTEL,

Mr. Richison Nichols

HAS taken charge of this well known establishment, and is prepared to accommodate Travellers in a comfortable manner.

☞ Stage passengers will find it very convenient, as it is directly opposite the Post Office.

Regular Boarders will be received on accommodating terms.

August 15. 32—

Boarding House.

A FEW regular Boarders can be accommodated by the subscriber, at the old stand of John Faddis, deceased.

Persons desiring it can also be accommodated during Court week.

THOMAS D. CRAIN.

February 15. 08—

MRS. VASSEUR

HAS just received, in addition to her former assortment of

CONFECTIONARIES,

a fresh supply of the following articles, viz.

A FULL ASSORTMENT OF CANDIES,

Raisins,	Currants,
Oranges,	Almonds,
Lemons,	Walnuts,
Apples,	Brazil Nuts,
Figs,	Filberts,
Prunes,	Cheese,

and a variety of SEGARS.

The Fruit and Nuts are of the new crop, and of excellent quality.

December 6. 48—

STATE OF NORTH-CAROLINA.
Orange County.

In Equity—March Term, 1839.

William N. Pratt, and others,
vs.
Reuben Carden, and others.

IT appearing to the satisfaction of the Court that Benjamin Johnson and Sarah his wife are not inhabitants of this state; It is therefore ordered, that publication be made in the Hillsborough Recorder, for six weeks successively, that unless the said Benjamin Johnson and Sarah his wife, be and appear at the next term of this Court, to be held at the Court House in Hillsborough, on the second Monday in September next, and plead, answer or demur, the bill will be taken *pro confesso* as to them, and set down for hearing *ex parte.*

JAMES WEBB, *C. & M. E.*

Price adv. $4 50. 64—6w

Five Cents Reward.

RAN away from the subscriber on Thursday the 28th ultimo, a bound boy by the name of MARTIN JACKSON, aged about eighteen years. All persons are forbid harboring or employing him, under the penalty of the law.

SOLOMON FULLER.

April 5. 64

Equity Sale.

IN odedience to a decree of the Court of Equity for Orange county, made at March Term, 1839, I shall sell before the court house, in the town of Hillsborough, on Monday the 27th day of May next, on a credit of twelve and eighteen months, a TRACT OF LAND belonging to the heirs at law of the late William McCauley, lying on the waters of New Hope, adjoining the lands of Charles Trice and others, supposed to contain about 500 acres.

Also the HOUSE AND LOT in Chapel Hill, known as the Thomson House.

JAMES WEBB, *C. & M.*

March 30. 63—4w

Forwarding Agency.

☞ THE subscribers inform the Merchants of the interior, that they are still engaged in the Forwarding way, and trust that with the facilities and experience they now possess in the transaction of this business, to merit the patronage heretofore conferred. They have large Ware Houses at the river and in town, for the reception of forwarding Goods apart from other buildings, and comparatively safe from fire.

WILKINGS & BELDEN,
Fayetteville

Refer to
Messrs. CAVE & HOLLAND, Hillsborough

April 5. 65—

WILLIAM W. GRAY'S
Invaluable OINTMENT,
FOR THE CURE OF
External Diseases, viz:

White Swellings, Scrofula and other Tumours, Sore Legs and Ulcers, Old and Fresh Wounds, Sprains and Bruises, Swellings and Inflamations, Scalds and Burns, Women's Sore Breasts, Scald Head, Rheumatic Pains, Chilblains, Tetters, Eruptions, Biles, Whitlows—and a most effectual remedy for the removal of Corns,

Also, Beckwith's Anti-Dispeptic Pills.

FOR SALE BY
ALLEN PARKS.

September 8. 35—

HILLSBOROUGH, N. C.

PUBLISHED WEEKLY

BY DENNIS HEARTT,

AT THREE DOLLARS A YEAR, OR TWO DOLLARS FIFTY CENTS IF PAID IN ADVANCE.

Those who do not give notice of their wish to have their paper discontinued at the expiration of the year, will be presumed as desiring its continuance until countermanded.—And no paper will be discontinued until all arrearages are paid, unless at the option of the publisher.

Advertisements not exceeding sixteen lines, one dollar for the first, and twenty-five cents for each subsequent insertion; longer ones in proportion. Court advertisements twenty-five per cent higher. A deduction of 33⅓ per cent. will be made to advertisers by the year.